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"The French Civil Law is the fruit of the experience of a very old nation. It is the inheritor of the two great civilizations of antiquity. * * * The clear language which characterizes the Civil Code would bring an unlooked for light to such who would read it with open minds and serious intent." (North America and France. G. Hanotaux. *Revue des Deux Mondes*, October 1st, 1912.)

However, though the work in question is open as a whole to this criticism, there are certain exceptions, one of which should be noted, viz: the chapter, or rather the subdivision of Chapter IV on the "Reservation and Legal Share" which is traced from Barbarian legislation to the code of to-day.

The general arrangement of the volume is admirable. The introduction is divided into three topics, the origin of the family, the origin of ownership and the origin of the state. Then the history itself is divided into six chapters—The Family—Ownership and Real Rights—Obligations (Contracts)—Intestate Succession and Gratuitous Conveyances (by will or inter vivos)—System of Property between Spouses—Status and Capacity of Persons.

The "Introduction to Private Law" is particularly interesting, and gives the author greater opportunity for original work. In the "origin of the family", a very scholarly and able study, he takes a most frankly utilitarian view of the development of the family. Unlike Sumner Maine, whom he refers to, and who gave "as the origin of the family a rough sort of patriarchy", M. Brissaud traces it back to an animal and "confused state of promiscuity". The development is followed through the conditions bordering on promiscuity, the matriarchy, patriarchy, and finally to the formation of the family by marriage.

The same careful conscientious method prevails in the two other chapters of the Introduction or the origin of ownership and the state.

A very complete study of the property system between spouses such as is contained in Chapter V, should be of special interest at a time when international marriages and the consequent problems concerning the matrimonial regime, are so frequent.

The translation is by M. Rapelje Howell, whose training, which included courses at the Lycee Carnot, Paris, Trinity College, Cambridge and the Columbia Law School, fitted him for so difficult a task.

On the whole the work cannot but be of the greatest value to the American student of Comparative Law.

Paul Fuller, Jr.

CASES ON MARRIAGE AND DIVORCE. By CHESTER G. VERNIER. St. Paul: WEST PUBLISHING Co. (American Casebook Series). 1912. pp. xvi, 180.

This collection of cases on the law of marriage and divorce constitutes a supplement to Kales' Cases on Persons and Domestic Relations, and is designated as Part IV of that work. The cases are interesting and carefully chosen, and seem, on the whole, well adapted to classroom use. A particularly praiseworthy feature is the constant reference to the statutory provisions of the more important jurisdictions, e. g., New York, Illinois and Massachusetts. The proposed Uniform Marriage Act is also printed in abbreviated form. The notes are very

adequate, and are especially to be commended for their thorough analysis of the leading articles and the discussions of recent decisions in the Columbia and Harvard Law Reviews. Much of the best, and most scholarly, legal thought of to-day is found in the pages of these two periodicals. It is cause for genuine regret that legal authors in general do not more often avail themselves of such golden treasures.

The case of *Groth v. Groth* (1896) 69 Ill. App. 68, reproduced by the author at p. 165, is novel and illuminating. The husband sought temporary alimony and the court below ordered that the wife pay him \$20 per month together with \$25 solicitor's fees. The appellate court reversed the order, declaring that alimony is given to wives alone, not to husbands. That alimony is limited to the wife has been ordinarily assumed; yet, *novissimis horis*, and with the spectre of equal suffrage looming up, we feel sorely tempted to add our "*sed quaere*." In this connection, it should be noted that neither text nor notes on this topic develop the important proposition that alimony *pendente lite* is never awarded except in cases where the petitioner can show, with some degree of certainty, a reasonable prospect of her success in the suit.

In his preface to the American Casebook Series, reprinted in each volume, Dr. James Brown Scott, the general editor, especially emphasizes limitations of time and space. He says, for instance: "The importance and difficulty of the subject as well as the time that can properly be devoted to it will be carefully considered so that each book may be completed within the time allotted to the particular subject." He adds that his personal experience, supplemented by that of others, "leads to the belief that approximately a book of 400 pages may be covered by the average student in half a year of two hours a week; that a book of 600 pages may be discussed in class in three hours for half a year", etc.

To the subject of Domestic Relations, our standard law schools, as a rule, devote two, or at the most, three hours a week, for a half year. It seems to the reviewer that the fruitful labors of the author of the supplement might profitably have been extended by the publishers to a revision of the original work. Mr. Kales apparently devotes an inordinate amount of space (tested by his general editor's standards) to those portions of the general topic which he covers.

Kales' Cases on Persons (654 pages) plus Vernier's Supplement of Cases on Marriage and Divorce (180 pages), the latter an integral part of the subject, total 834 pages. This appears unreasonably long and unwarranted either by the "difficulty" or "importance" of the subject. Besides, the size hardly squares with "the time allotted." In fact, it does not square at all.

I. Maurice Wormser.

A SHORT HISTORY OF ENGLISH LAW. By EDWARD JENKS, M. A., B. C. L., of the Middle Temple, Barrister-at-Law, Principal and Director of Legal Studies of the Law Society. Boston: LITTLE, BROWN & Co. 1912. pp. xxxviii, 379.

An increasing interest in English legal history has been awakened by the activities of the new school of legal historians in England and in America. The original researches of such scholars as Stephen, Stubbs, Maitland, Pollock, Holdsworth, and Vinogradoff in England, and of such scholars as Thayer, Ames, Holmes and Wigmore in America, have greatly increased our knowledge of England's legal past and have clearly demonstrated the vital importance of such knowledge to all stu-